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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,830	02/11/2004	Chelsea Samo-Lipman	LIP-101XC1	3023
23557	7590	11/17/2005	EXAMINER	
SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION PO BOX 142950 GAINESVILLE, FL 32614-2950			FRECH, KARL D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H. 8

Office Action Summary	Application No. 10/776,830	Applicant(s) SAMO-LIPMAN, CHELSEA	
	Examiner Karl D. Frech	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/2/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 8-16 is/are rejected.
- 7) ☒ Claim(s) 6,7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's amendment filed 9/2/05 has been entered. Claims 11,6,14,15 have been amended and claim 3 has been canceled.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,8,9,10,12,13,14,16 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Zmura US Pub 2005/0130105.

D'Zmura discloses choosing a shape or pattern, i.e. [0038] Aries, Taurus, Gemini, Cancer, Leo, Virgo, Libra, Scorpio, Sagittarius, Capricorn, Aquarius, Pisces and [0074] Chinese zodiac animals.

D'Zmura discloses identifying a star chart that depicts the stars in at least a portion of the sky, i.e. [0049] "Hipparchus provided detailed and exact mappings of star positions and constellations..." and [0050] Ptolemy.

D'Zmura discloses then identifying a constellation of at least three stars that define, or otherwise correspond to, the chosen shape or pattern, i.e. [0049] the constellations are inherently chosen based upon the star mappings and as specifically pointed out by D'Zmura, Edmund Halley referred to Ptolemy's charts.

D'Zmura discloses identification of the constellations by documenting, i.e. Hipparchus and Ptolemaic charts; persons or things, e.g. Aries, Pisces, Chinese animals; the shape or pattern, inherent on the charts of Hipparchus and Ptolemy; and the stars that correspond to the constellations, e.g. [0116] Beta Arietis and Gamma Arietis are in the constellation Aries as is [0118] Alpha Arietis (at least three stars).

D'Zmura discloses [0141] that the zodiac stars are physically observable, i.e. to the naked eye.

D'Zmura discloses naming the constellations, i.e. [0038] Aries, Taurus, Gemini, etc....

D'Zmura discloses that the charts of Hipparchus and Ptolemy are widely used, i.e. publicly available and inherently the names of the constellation, identification of the shape or pattern, the identification of the stars in the constellation, and the person, thing or event being honored, i.e. Aries is honored on the charts naming at least Alpha Arietis, Beta Arietis and Gamma Arietis and their relative positions.

D'Zmura discloses that the constellation is visible at a particular geographic location, date or time, i.e. [0116] the first point (star) of Aries first appears (on horizon, position) at the vernal equinox (date, time). D'Zmura also discloses a software program, i.e. [0090] NASA JPL uses the Ephemeris Generator.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,5,11,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Zmura 2005/0130105 in view of well known prior art. D'Zmura discloses that which is seen above. D'Zmura does not disclose the identification of at least 5 stars in a constellation as in current claim 4 or the identification of at least 8 stars in a constellation as in current claim 5. Official Notice is taken that charted constellations with at least 8 stars (includes 5 stars) are old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least 8 stars as is well known in a constellation in a manner as disclosed by D'Zmura as this would allow for a more detailed representation of the person, thing or event memorialized.

D'Zmura does not disclose placing the star charts in the Library of Congress. However, placing books, charts, maps, and other written documents in the Library of Congress is old and well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to place the chart/registry as taught by D'Zmura in the Library of Congress as this would become a nationally recognized chart/registry.

D'Zmura does not disclose the listing of owner contact information, dedication or tribute data or registration ID of registry identification. However, Official Notice is also taken that listing of ownership information, including name, registration number and other data of objects or other property, is old and well known. For example the US Pregrant Publication of the current application includes the inventors name, the publication number, and other information regarding the application. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include

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ownership, registration and other information on the registry of the constellations of D'Zmura as this would provide a one to one correspondence to ownership.

6. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of claim 6 and independent claim 1, the transparent or semi-transparent medium placed over a star chart in order to identify stars that define, or correspond to, the chosen shape or pattern. Claim 7 is dependent from claim 6.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fressola discloses documentation and projection of stellar bodies

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Frech
Primary Examiner
Art Unit 2876
